



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

chesslin

US EPA RECORDS CENTER REGION 5



478100

APR 08 2005

REPLY TO THE ATTENTION OF:

Reed S. Oslan, Esq.
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Re: Himco Dump

Dear Mr. Oslan:

We are currently reviewing our files to determine whether each of the entities on U.S. EPA's recent Special Notice Letter list have been sent and have responded to the agency's CERCLA Section 104(e) information requests. Our review indicates that Miles Laboratories, Bayer's predecessor, was sent a Section 104(e) request on at least one occasion, on November 17, 1986. There is no evidence that a response was forthcoming in the immediate time period or thereafter. Instead, there are a number of letters written in the 1989-1990 time period, from R. Lennie Scott, Miles' Manager of Corporate Environmental Affairs, to various EPA personnel, which purport to identify other generators at the Himco Site. These letters in EPA's files do not refer in any way to the outstanding 104(e) requests and are singularly devoid of any information about Miles' activities at the Himco dump.

We request that you search your files and those of your client and provide us with copies of any Miles'/Bayer's Section 104(e) responses submitted to EPA in 1986 or thereafter. It is past time to provide the requested information, for all concerned with the Site.

Sincerely yours,

Larry L. Johnson
Assistant Regional Counsel

cc: Jerome I. Maynard, Esq.
W.C. Blanton, Esq.
Miriam L. Chesslin, Esq.

90-11-2-865

DEPARTMENT OF JUSTICE

APR 19 2005

LANDS DIVISION
ENFORCEMENT RECORDS